

Message Text

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20

ACTION EA-14

INFO OCT-01 ISO-00 AID-20 CIAE-00 COME-00 EB-11 FRB-02

INR-10 NSAE-00 RSC-01 TRSE-00 XMB-07 OPIC-12 SPC-03

CIEP-02 LAB-06 SIL-01 OMB-01 L-03 PA-04 PRS-01 USIA-15

CEA-02 STR-08 DRC-01 /125 W
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R 210500Z DEC 73

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 9204

UNCLAS BANGKOK 19744

E.O. 11652: N/A

TAGS BGDN, TH

SUBJ: ALIEN BUSINESS DECREE

1. RTG ISSUED ROYAL DECREE, EFFECTIVE DECEMBER 8, 1973. AND MADE PUBLIC DECEMBER 18. WHICH OFFICIALLY PROTECTS ALIEN COMPANIES CLASSIFIED UNDER CATEGORY B OF ALIEN BUSINESS DECREE FROM ABD RESTRICTIONS, PROVIDED THAT THEY HAVE AN INVESTMENT PROMOTION CERTIFICATE FROM THE BOARD OF INVESTMENT AND A LETTER OF GUARANTEE FROM THE DIRECTOR GENERAL OF THE COMMERCIAL REGISTRATION DEPARTMENT. DECREE FURTHER PROVIDES THAT IN THE CASE OF ANY SUCH COMPANY WHOSE PROMOTION CERTIFICATE HAS BEEN REVOKED, THE BIO IS DIRECTED TO SO INFORM THE DIRECTOR GNERAL OF THE CRD WITHIN THIRTY DAYS OF THE DATE OF REVOCATION. THE DIRECTOR GNERAL IS THEN DIRECTED TO REVOKE THE CERTIFICATE (PRESUMABLY REGISTRATION CERTIFICATE) AND TO SO INFORM THE ALIEN CONCERNED WITHIN THIRTY DAYS OF THE DATE OF ITS REVOCATION. AFTER HAVEING BEEN INFORMED, THE ALIEN MUST FORFEIT THE PERMIT TO OPERATE THE BUSINESS WITHIN 180 DAYS OF THE DATE OF REVOCATION.

2. THE LANGUAGE OF THE DECREE IS SOMEWHAT IMPRECISE, EVEN IN THAI, AND WE DO NOT YET HAVE AN OFFICIAL TRANSLATION. HOWEVER THE PURPOSE AND EFFECT WOULD SEEM TO BE TO REGULARIZE POLICY WHICH HAS ALREADY BEEN IN EFFECT. AS REPORTED IN BANGKOK'S
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A-78 OF MARCH 23, CRD HAS PREVIOUSLY CONFIRMED THAT RESTRICITIONS

UNDER ABD WOULD NOT BE APPLIED TO HOLDERS OF PROMOTION CERTIFICATES.
CLAUSE 4 OF ABD, HOWEVER, GIVES DIRECTOR GENERAL SUCH AUTHORITY
ONLY IN CASES OF CATEGORY C. COMPANIES, WITH CATEGORY A AND B
EXCEPTIONS SUBJECT TO ROYAL DECREE.

3. BIO OFFICIAL INFORMED EMBASSY THAT NEW DECREE PERMITS BOARD
TO GIVE PROSPECTIVE INVESTORS MORE THAN ORAL ASSURANCES THAT
BOARD WOULD SEEK TO PROTECT THEM ASKED ABOUT INVESTORS
SUBJECT TO CATEGORY A RESTRICTIONS BUT OF INTEREST TO BOI,
HE SAID THEY MAY BE SUBJECT TO A SUBSEQUENT SEPARATE DECREE.
KINTNER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 21 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BANGKO19744
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731212/aaaaaiem.tel
Line Count: 72
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 07 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Jan-2002 by williad>; APPROVED <18 MAR 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ALIEN BUSINESS DECREE
TAGS: BGEN, TH
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005